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09/820,803	03/30/2001	Ravi Ganesan	23952-0147	5542

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/820,803

Applicant(s)

GANESAN ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,10-16,24-28,31,33-39 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,10-16,24-28,31,33-39 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-5, 8, 10-16, 24-28, 31, 33-39 and 56 are pending. Claims 1, 3-5, 10-16, 24, 26-28, and 33-39 have been amended as well as the Specification and claims 6, 7, 9, 29, 30, 32, 47, and 5-55 have been cancelled and claim 56 has been added. Claims 1-5, 8, 10-16, 24-28, 31, 33-39, and 56 are pending in this communication filed 9/19/07 entered as Response to Non-Final Action and New or additional drawings.
2. The Specification as amended has been reviewed and has overcome the objection to the Specification and the objection is hereby withdrawn.
3. The objection to the drawings has been overcome by the amendment to the drawings and is hereby withdrawn.
4. The objections to claims 1, 4, 16, 27, and 29 has been overcome by Applicants' amendment to the claims and is hereby overcome in part. However, the objection to claim 1 still remains as set forth here below.
5. The 35 USC 112, second paragraph rejection for claim 1 has been overcome by applicants' amendment to claim 1 and is hereby withdrawn.

Claim Objections

6. Claim 1 is objected to because of the following informalities: Claim 1 is in the improper method claim format. A method claim to be in proper method claim format should begin with a verb. Claim 1 recites "subsequent to determining ..., wherein ...". This claim limitation should recite "transmitting a payment screen, subsequent to determining, ..., wherein ...". Appropriate correction is required.

Title Objection

7. The title of the invention is objected to because: The Title is "MULTIPLE MODE REGISTRATION AND PAYMENT PROCESSING". The is not any "Multiple Mode Registration" in the claim limitations. A suggested title is "A METHOD AND SYSTEM FOR PAYMENT PROCESSING".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 24-26, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 7,194,437) Britto et al, hereafter Britto.

Claims 1, 24, and 56. Britto discloses, A method comprising:

receiving information, via a network, identifying a network user (col. 5, lines 33-54, col. 6, lines 3-12, and col. 7, lines 24-38); determining a credit risk associated with making, payments on behalf of the network user (col. 6, lines 13-50 and col. 7, lines 39-59);

setting a payer status associated with the network user to assigning-one of a first payer status and a second payor status based at least in part on the determined credit risk ;

determining which of the first payer status and the second payer status is associated with the network user (col. 6, lines 51-67 and col. 7, line 60-col. 8, line 4); and

subsequent to determining that the payer status is set to the first payer status,

transmitting a payment screen, wherein the payment screen allows payment of a

particular set of payees, and wherein the particular set of payees is associated with the first payee status (col. 8, lines 41-56).

Claim 24, Britto further discloses, a communications port configured to receive and transmit information via a network (col. 1, lines 22-27); a memory (col. 4, lines 4-10); and a processor in communication with the communications port and the memory (col. 4, lines 40-59).

Claims 2 and 25. Britto discloses, wherein the information identifying the network user is received from a sponsor of the network user (col. 7, lines 47-59).

Claims 3 and 26. Britto discloses, at least one of the first plurality of payees and second plurality of payees is defined by at least one of 1) the payment service provider, and 2) a sponsor of the network user (col. 6, lines 13-67).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 5, 8, 10-16, 27, 28, 31, 33-39, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 7,194,437) Britto et al, hereafter Britto in view of (US 2002/0087344) Billings et al, hereafter Billings.

Claims 4 and 27. Britto failed to disclose, executing a payment on behalf of the network user, wherein executing the payment includes a debit to a financial account associated with the network user maintained with a financial institution; and storing payment

information and wherein the stored payment information includes at least one of 1) a date of execution of the payment, 2) information indicating if the debit associated with the payment resulted in that debit not being honored by the financial institution, and 3) information indicating the a payments was executed on behalf of the network user.

Billings discloses, executing a payment on behalf of the network user, wherein executing the payment includes a debit to a financial account associated with the network user maintained with a financial institution (pg. 5, col. 2 [0069]-pg., col. 2 [0076] and pg. 9, col. 2 [113]-pg. 10, col. 2 [0127]); and storing payment information (pg. 3, col. 1 [002]) and wherein the stored payment information includes at least one of 1) a date of execution of the payment, 2) information indicating if the debit associated with the payment resulted in that debit not being honored by the financial institution, and 3) information indicating the a payments was executed on behalf of the network user (pg. 6, col. 2 [0076]-[0078]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Britto the teachings of Billings because such an incorporation would allow Britto to have automated, electronic payments because of the advantages such as cost, predictability, accuracy, convenience to a user and control over timing.

Claims 5 and 28. Britto failed to disclose, changing the payer status from to the other of the first payer status and the second payer status based on the stored payment information, wherein the stored payment information includes payment information associated with a plurality of payments previously made on behalf of the network user associated with each of the plurality of payments. Billings discloses, changing the payer

status from to the other of the first payer status and the second payer status based on the stored payment information, wherein the stored payment information includes payment information associated with a plurality of payments previously made on behalf of the network user (pg. 3, col. 1 [0021] and pg. 5, col. 2 [0068]-[0069]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Britto the teachings of Billings because such an incorporation would allow Britto to have automated, electronic payments because of the advantages such as cost, predictability, accuracy, convenience to a user and control over timing.

Claims 8 and 31. Britto discloses, changing the payer status from to the other of the first payer status and to the second payer status based on a later determined credit risk in making the payments on behalf of the network user (col. 4, lines 14-67 and col. 5, line 55-col. 6, line 50).

Claims 10 and 33. The Britto discloses, wherein determining which of the first, payer status and the second payer status is associated with the network user: includes associating the first payer status and the second payer status to the network user during a real-time communication session (col. 4, line 48-col. 5, line 32).

Claims 11 and 34. Britto discloses, further comprising: associating a third payer status with the network user (col. 6, lines 13-33).

Claims 12 and 35. Britto discloses, wherein the first plurality of payees is determined by a first entity other than the network user (col. 6, lines 13-67).

Claims 13 and 36. Britto discloses, wherein the first entity is a sponsor of the network user (col. 6, lines 3-12).

Claims 14 and 37. Britto discloses, wherein the first entity is a payment service provider (col. 5, lines 55-65).

Claims 15 and 38. Britto discloses, wherein setting the payer status associated with the network user to one of the first payer status and the second payer status is based at least in part upon the identity of the a sponsor of the network user (col. 6, lines 13-67).

Claims 16 and 39. Britto failed to disclose, executing a payments on behalf of a the network user, wherein executing the payment includes a debit to a financial account associated with the network user on whose behalf that payment is executed, wherein the financial account is maintained with a financial institution; and storing payment information wherein the payment information includes information identifying a payee associated with the payment. Billings discloses, executing a payments on behalf of a the network user, wherein executing the payment includes a debit to a financial account associated with the network user on whose behalf that payment is executed, wherein the financial account is maintained with a financial institution (pg. 5, col. 2 [0069]-pg. 6, col. 2 [0076] and pg. 9, col. 2 [113]-pg.10, col. 2 [0127]); and storing payment information (pg. 3, col. 1 [0021]) wherein the payment information includes information identifying a payee associated with the payment (pg. 6, col. 2 [0076], pg. 9, col. 2 [0114]-pg. 10, col. 1 [0119]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate in Britto the teachings of Billings because such an incorporation would allow Britto to have automated, electronic payments because of the advantages such as cost, predictability, accuracy, convenience to a user and control over timing.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the Applicant(s), in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Porter et al (US 5,825,856) disclosed banking by telephone.

Kamil (US 6,038,548) disclosed conducting electronic commerce in a computer network.

Dunn et al (US 6,701,303) disclosed e-commerce enabling a user to conduct transactions with multiple retailers.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 23, 2007


ELLA COLBERT
PRIMARY EXAMINER